

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Billy Cepero,

Plaintiff

v.

Douglas Gillespie et al.,

Defendants

Case No.: 2:11-cv-01421-JAD-NJK

**Order Dismissing Claims Against
Defendants Aiken and Fowler**

[ECF No. 177]

Last month, this nine-year-old case, which began with over a dozen defendants, was narrowed to just one defendant, two unserved parties, and three claims. As of my order partially granting summary judgment, plaintiff Billy Cepero had still not served Defendants Timothy Aiken and Mark D. Fowler after the magistrate judge offered Cepero another chance to do so in late 2018. So I ordered Cepero to show cause by October 30, 2020, why I should not dismiss his claims against Aiken and Fowler under Federal Rule 4(m) for failure to timely serve them. That deadline has passed and Cepero has not complied with the order, so I dismiss his claims against Aiken and Fowler.

IT IS THEREFORE ORDERED that Cepero's claims against Defendants Timothy Aiken and Mark Fowler are **dismissed** and **the Clerk of Court is directed to terminate Defendants Aiken and Fowler from this case.** This case proceeds on Cepero's excessive-force, assault, and battery claims against Defendant James Bonkavich only.


U.S. District Judge Jennifer A. Dorsey
November 2, 2020